

Message Text

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PAGE 01 STATE 052255
ORIGIN ORM-02

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TO AMEMBASSY PORT AU PRINCE PRIORITY

C O N F I D E N T I A L STATE 052255

E.O. 11652: GDS

TAGS: SREF, HA (GABRIEL CARTRIGHT AND SON, SAMMY)

SUBJECT: HAITIANS AT GUANTANAMO

REF: (A) ARTHUR/IRONS CONVERSATION OF 1/21/77; (B) 76

PORT AU PRINCE 1250

1. DEPT. SHARES COMNAVBASE'S DESIRE, AS STATED REFTEL
B AND MOST RECENTLY RELAYED BY EMBOFF (REF A), IN
HAVING CARTRIGHT AND SON LEAVE GUANTANAMO NAVAL BASE
ASAP. DURING CARTRIGHT'S STAY THERE OF ALMOST ONE
YEAR, THE UN HIGH COMMISSIONER FOR REFUGEES HAS UNSUCCESS-
FULLY ATTEMPTED TO RESETTLE CARTRIGHTS IN A THIRD
COUNTRY.

2. AFTER A CAREFUL AND EXHAUSTIVE REVIEW OF CARTRIGHT'S
REQUEST FOR POLITICAL ASYLUM IN THE U.S., WHICH INCLUDED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 052255

INTERVIEWS OF RELATIVES AND FRIENDS IN HAITI, DEPARTMENT
CONSIDERS HIS ALLEGATIONS THAT HE WOULD SUFFER PERSECUTION
BECAUSE OF POLITICAL OPINIONS OR ACTIVITIES UPON RETURN
TO HAITI TO BE UNSUBSTANTIATED. IT SEEMS HIGHLY UNLIKELY
THAT AN INDIVIDUAL WOULD ATTEMPT TO OBTAIN HAITIAN
PASSPORTS FOR CLIENTS AND DEAL DIRECTLY WITH THE THEN
INTERIOR MINISTER OF THE HAITIAN GOVERNMENT, AS CARTRIGHT

DID, IF SUCH AN INDIVIDUAL WERE A VOCAL AND WELL-KNOWN

CRITIC OF THE GOVERNMENT AND HAD ENGAGED IN ACTIVITIES AIMED AT THE OVERTHROW OF THAT GOVERNMENT, WHICH, AS HE CLAIMS, WAS ALSO KNOWN BY THE HAITIAN AUTHORITIES. WE DO NOT BELIEVE THAT THE GOH WOULD HAVE POLITICAL INTEREST IN CARTRIGHT. THEREFORE, THE DEPARTMENT HAS BEEN UNABLE TO CONCLUDE THAT HIS ALLEGED FEAR OF PERSECUTION FOR POLITICAL BELIEFS OR ACTIVITIES IS A WELL-FOUNDED ONE.

3. THE DEATH OF LEFENE DIEUSEUL, WHICH OCCURRED UNDER UNUSUAL CIRCUMSTANCES AFTER THE BOAT DEPARTED HAITI, AND THE POSSIBLE KIDNAPPING OF THREE OTHER FISHERMEN, JOSEPH DIEUSEUL, EDNER EDMON, AND MADILON CHARLES, ADDS A DIFFERENT DIMENSION TO THIS CASE. UPON RETURN OF THE OTHER MEMBERS OF THIS GROUP ON APRIL 14, 1976, ROBERT SIMON, GERARD PLACIDE, JOSEPH VILLIONEY NICLASSE, AND FRANTZ SAINVIL WERE IMPLICATED IN THE DEATH OF LEFENE DIEUSEUL. THESE FOUR HAVE REMAINED IN DETENTION SINCE THEIR RETURN WHILE THE GOH CONTINUES ITS INVESTIGATION WHICH MAY RESULT IN CRIMINAL CHARGES BEING PLACED AGAINST CARTRIGHT AND THE OTHER FOUR.

4. THE GOH HAS HAD AMPLE OPPORTUNITY TO FORMALLY REQUEST CARTRIGHT'S EXTRADITION. SUCH A REQUEST HAS NOT BEEN MADE TO THE USG, EVEN THOUGH THE HAITIAN EXAMINING MAGISTRATE WAS GIVEN THE COMPLETED INVESTIGATIVE

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PAGE 03 STATE 052255

FILES AND RECOMMENDATIONS LAST JULY 2 TO DECIDE WHETHER OR NOT TO PROSECUTE ANY OR ALL OF THE FIVE. SINCE THIS DECISION DOES NOT APPEAR TO BE FORTHCOMING, WE ARE FACED WITH THE PROSPECT OF (A) INDEFINITELY KEEPING CARTRIGHT AT GTMO UNTIL HIS EXTRADITION IS REQUESTED OR THE CASE CLOSED DUE TO LACK OF EVIDENCE, OR (B) CONSIDER HIS RETURN TO HAITI NOW IN THE ABSENCE OF AN EXTRADITION REQUEST.

5. HIS CONTINUED PRESENCE AT GTMO IS AN UNDESIRABLE ALTERNATIVE. HE HAS NOT BEEN ACCORDED ASYLUM AND SHOULD HAVE BEEN RETURNED TO HAITI AS IN PREVIOUS CASES. HAD IT NOT BEEN FOR OUR EXPECTATION THAT GOH WOULD BE MAKING A TIMELY REQUEST FOR HIS EXTRADITION, HE WOULD HAVE BEEN RETURNED. SO MUCH TIME HAS NOW ELAPSED THAT SUCH GOH ACTION SHOULD BE DISCOUNTED AS UNLIKELY TO OCCUR SOON.

6. ACTION REQUESTED - EMBASSY IS REQUESTED: (A) TO

ADVISE GOH THAT IT IS OUR INTENTION TO RETURN CARTRIGHT TO HAITI BASED ON THE PREMISE THAT IF HE IS DETAINED OR ARRESTED, FORMAL CHARGES WILL BE PROMPTLY PLACED AGAINST HIM AND THAT HE WILL BE INFORMED OF THE SPECIFIC CHARGES,

THAT THE CHARGES WILL BE BASED ON CRIMINAL RATHER THAN POLITICAL GROUNDS OR MOTIVATIONS, AND THAT HE WILL RECEIVE A SPEEDY TRIAL OR, IF UNABLE TO REACH THE TRIAL STAGE DUE TO LACK OF EVIDENCE, THAT HE WOULD BE RELEASED.

(B) TO COORDINATE CARTRIGHT'S RETURN WITH APPROPRIATE GOH OFFICIALS AND COMNAVBASE, AND (C) TO INFORM HAITIAN RED CROSS OF THIS CASE AND REQUEST THEIR ASSISTANCE IN OBSERVING CARTRIGHT'S ARRIVAL AND FOLLOW-UP ON HIS TREATMENT BY GOH, AND TO ASSIST IN RE-UNITING 5 YEAR OLD SAMMY CARTRIGHT WITH HIS RELATIVES.

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